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SUBJECT: LETTER FROM GUATEMALA (6)

REF: GUATEMALA 0294

Another painful anniversary noted

¶1. (SBU) January 31 marked the 25th anniversary of the fire at the Spanish Embassy that killed 37 persons. In a land that has suffered more than its share of grim tragedies over the last 50 years, this particular incident remains vividly controversial. Bishop Gonzalo de Villa, former head of Landivar University, lost his mother, who was taking care of some paperwork that day in the Spanish Embassy. Also killed in the fire was the father of Nobel Peace Prize winner Rigoberta Menchu. He had led a small group of indigenous from Uspantan, Quiche, to Guatemala City to protest delays in land redistribution. There are conflicting versions of how events unfolded that day, but whether by invitation or deceit, the indigenous ended up at the Spanish Embassy along with some radical students and some visiting VIPs, including a former vice president. When the military government got wind of the "peaceful takeover" at the Embassy, security forces were deployed to rescue the embassy and the "hostages."

¶2. (SBU) Critics of the military regime believe the forces set off the fire while storming the embassy. Others say the fire was set off by students inside the embassy who lobbed molotov cocktails to deter the security forces. In any case, 37 persons died inside the diplomatic mission that day. Quite a few people here hold Spanish Ambassador Cajal y Lopez, who escaped with his life, responsible for the tragedy, citing evidence that he invited the protestors to the embassy and masterminded the "peaceful takeover" to embarrass the regime. The facts were never clarified, as the government closed its investigation about a month after the fire, leading many people to hold the president, General Lucas Garcia, and his security team responsible.

¶3. (SBU) Recently, however, a Spanish court resurrected hopes that justice might be done by requesting the extradition from Mexico of Donaldo Alvarez, who as Interior Minister at the time, had overseen the storming of the embassy.

The bishop gets some security

¶4. (SBU) In a recent letter, we reported that Bishop Alvaro Ramazzini had locked horns with President Berger over the issue of strip mining for gold. We noted the makings of a rapprochement, as Berger and VP Stein met with Ramazzini, and they agreed to work together on a new mining law. Over the ensuing weekend, however, Ramazzini was once again in the press, this time because of press reports that an unnamed former officer of the EMP, the military's now-dismantled presidential security staff, claimed an unidentified woman had offered him \$50,000 to assassinate Bishop Ramazzini. The threat against Ramazzini conjured up memories of the unsolved 1998 murder of Bishop Gerardi. Although it was never determined whether that murder was a crime of passion, politics, or lucre, it gave the Arzu administration a black eye. Perhaps with that in mind, the Berger administration quickly reached out to its erstwhile antagonist and offered him his choice of protection by the police, presidential security, or armed private bodyguards. The bishop, who said he was no stranger to death threats but felt alarmed by this plot, accepted the offer of presidential security, which was very much in evidence at Ramazzini's most recent public appearances.

Mining Issue: Truce with the Church in Sight?

¶5. (SBU) Berger's war of words with Bishop Ramazzini escalated when Cardinal Quezada Toruno and the Episcopal Conference rallied to the Bishop's defense. Quezada used Sunday Mass on January 23 to declare solidarity with Ramazzini's position against open-pit mining and criticize Berger for accusations that were "false and unjust." Media commentators joined the fray, with a few supporting the bishops' principled position while others dug up the Church's history in Guatemala of political involvement and called on the Church to stick to more spiritual matters. Vice President Stein (who was, once upon a time, a Jesuit

seminarian) quietly engaged in the dialogue after President Human Rights Commissioner Frank Larue, apparently freelancing, called for a national dialogue and high-level commission to review mining policy.

¶16. (SBU) Since then, the issue has slowly faded from the headlines -- neither side retracting anything said but refraining from attacking the other. The acting president of business association CACIF told us February 3 that "moderate" bishops within the Episcopal Conference asserted themselves to insist on a middle ground that would permit responsible mining as a way to generate income in poor areas. That same night, Berger and a number of his Cabinet were conspicuously present at the opening of the new Ecclesiastical Museum, and a beaming Cardinal and the President graced the front page of "Diario de Centro America," the official government newspaper. The compromise appears to be that existing contracts will be respected, and that changes to the mining law will be reviewed.

Portillo's finance minister goes to trial

¶17. (SBU) PolCouns and FSN Political assistant attended the opening of the trial of Eduardo Weymann, the former finance minister under the Portillo administration who has been charged with document fraud and embezzlement. Weymann's case is the first of several high-profile cases involving Portillo officials, including his vice president and the head of the internal revenue service (SAT), to be tried in court. Some critics have complained that over the past year the prosecutor's office has devoted too much effort to going after the Portillo officials, alleging that the motivation was political. The first morning of the Weymann trial left us with the impression that the special prosecutor for corruption, Celvin Galindo, may not have much of a case. The 39-year-old Weymann, who was the wunderkind of the Portillo team, has been under arrest since April 23 for signing the minutes of a meeting that never took place. The minutes purport to document that the SAT board had authorized on December 30, 2003, the transfer of all remaining funds from the SAT budget to the "office supplies" account, which then financed a year-end buying spree of almost \$5 million in office supplies from a number of fake companies. The money ended up not in Weymann's pockets but in those of the SAT superintendent, Marco Tulio Abadio Molina and his family members. The office supplies never materialized.

¶18. (SBU) With great fanfare, the prosecution called its first expert witness, a handwriting expert (who claimed he had been trained by, among others, the U.S. Department of Justice). The prosecutor and two of his associates then tried everyone's patience by getting the handwriting expert to confirm repeatedly, but by means of different formulations, that the signature on the minutes was indeed Weymann's. The defense attorney then popped the prosecutor's bubble by stating, in one brief declarative sentence, that her client had never denied signing the minutes. Weymann recently changed attorneys, claiming publicly that he had been ill served by his previous counsel. Word on the street is that Weymann wanted to distance himself from crack criminal attorney Fernando "Skippy" Linares during public proceedings because Linares is best known for representing organized crime boss Ortega Menaldo and having his U.S. visa yanked. Weymann did not look far afield, however: his new attorney is a partner in Skippy's firm.

¶19. (SBU) In cross-examining the next three witnesses, an auditor and two members of the SAT board, it became clear that the real culprit was Abadio, and the prosecutor was going to have a very difficult time proving Weymann had benefited or intended to benefit from Abadio's scam or had wittingly participated in it. Weymann has already been punished, to the extent that he has been tried and convicted in the press and has spent nine months in jail. It should also be noted that the judge originally presiding over this case (who died in a December traffic accident) set the bail for Weymann at almost \$5 million, the same amount that Abadio allegedly took from this scheme. Weymann was unable to meet bail, and many observers attributed the exceptionally high amount (by Guatemalan standards) as proof that the case had been politicized.

FRG portraying GANA successors as inept

¶110. (SBU) We had breakfast February 3 with FRG leaders Zury Rios Montt, Antonio Arenales and Aristides Crespo. Arenales is the new head of the External Relations Committee in Congress and Crespo is head of the FRG bloc, so we impressed upon them the importance of moving with alacrity on the new data protection bill that the Berger administration sent in tandem with the CAFTA bill to Congress January 28. They, on the other hand, were quite eager to impress upon us the dilatory treatment given to the legislation by the congressional leadership, headed by Congress President Jorge

Mendez Herbruger (JMH) of the governing GANA coalition. According to these FRG leaders, who took credit for helping JMH get the presidency of the congress, he had been quite the ingrate with them. They believed the generics bill had not yet had its first reading in plenary because JMH, having alienated some of his own bloc members, was now tiptoeing on eggshells. That said, they expected the bill and CAFTA would be read in Congress later that day and assigned to committee (which indeed occurred), and they committed to support both.

¶11. (SBU) The Ambassador took the opportunity to press Arenales on prospects for congressional approval of the new and improved agreement for an office of the High Commissioner on Human Rights. Arenales noted that the government had not yet sent the agreement to Congress but that he had unofficially seen the text of the agreement. Arenales, who had been the leading opponent last year to the previous OHCHR agreement, said his juridical and political points of objection had been addressed and did not anticipate problems in gaining congressional approval of the agreement. The Ambassador also urged quick action on an Article 98 agreement. Arenales noted that the administration had not yet sent it to Congress but assured the Ambassador that it would be approved by his committee. He said the risk for Article 98 was that the Human Rights Committee might insist on reviewing it and could issue a recommendation against it.

ANN fissures cause Nineth to lose a perch

¶12. (SBU) We met with Nineth Montenegro, who was recently declared "Person of the Year" for 2004 by leading daily newspaper Prensa Libre. Montenegro, whose first husband was a casualty of the internal armed conflict, is a prominent human rights activist who has used her seat in Congress to become a formidable watchdog on the military budget. Indeed, Montenegro deserves much credit for exposing some major corruption among the military and guiding the government's successful efforts to open up the military budget to public scrutiny. Unlike so many of her colleagues, Montenegro is a serious, hard-working interlocutor whose discretion we greatly appreciate.

¶13. (SBU) We were therefore somewhat disappointed to see Montenegro forced out of her chairmanship of the Human Rights Committee in Congress as a result of a deepening split among the six members of her left-of-center ANN bloc, headed by former guerrilla Pablo Monsanto. Committee chairmanships are doled out to parties to decide, and in the case of the Human Rights Committee, the ANN decided to take the committee chairmanship away from Montenegro and give it to Maria Reinhardt. Montenegro is by far the most popular of the ANN deputies and has struck an increasingly moderate stance, even publicly declaring herself to be a "centrist," much to the annoyance of Monsanto, who was active in the bloodiest faction of the URNG and is believed to have participated in the 1968 assassination of U.S. Ambassador Mein. People here are speculating about when, not if, Montenegro and her two ANN allies will leave the ANN and in which party they might end up. Perhaps as a result of her ANN experience, Montenegro is now advocating legislation to force parties to adopt greater transparency and internal democracy.

HAMILTON